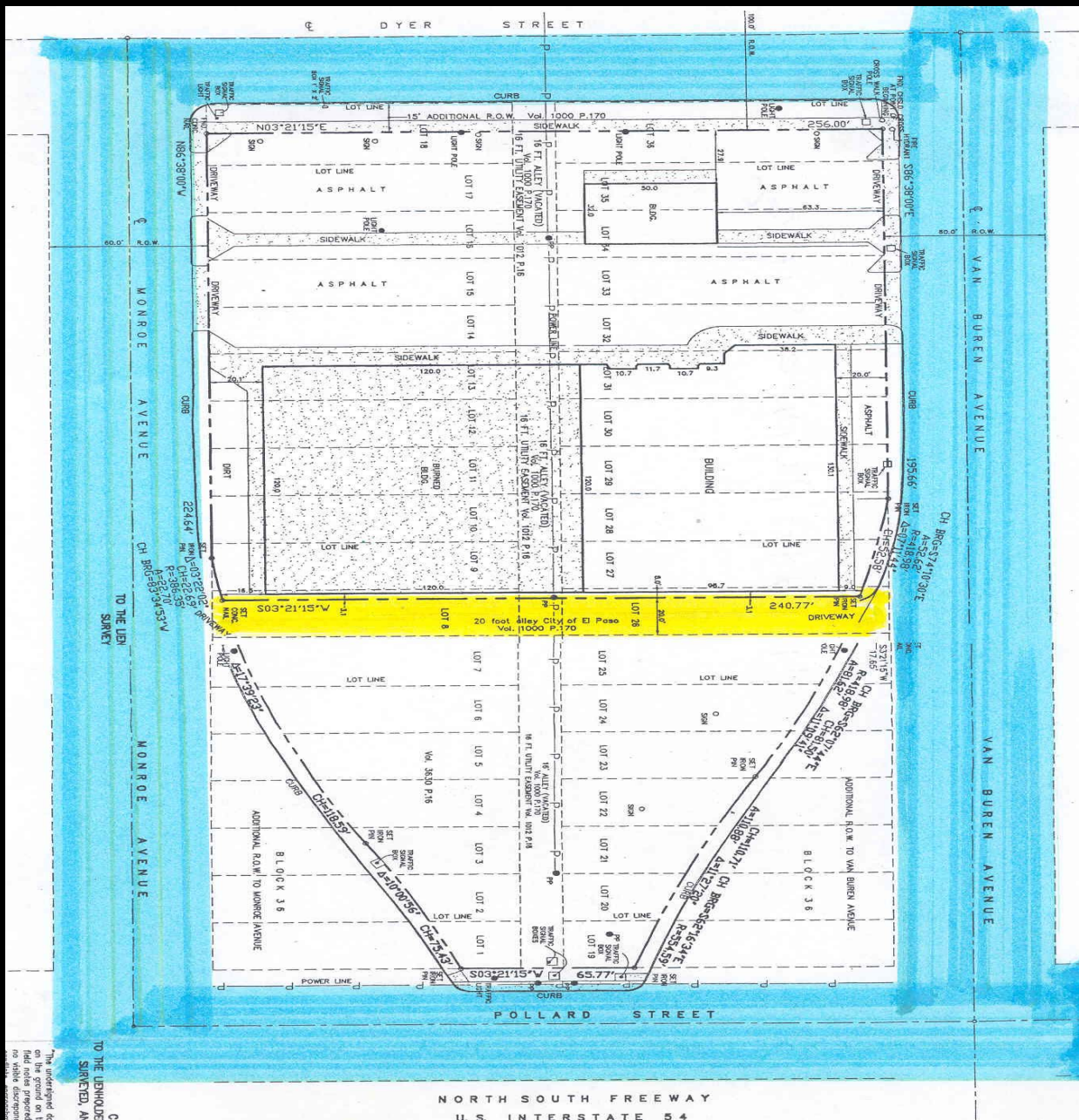


NORTH SOUTH FREEWAY  
U.S. INTERSTATE 54











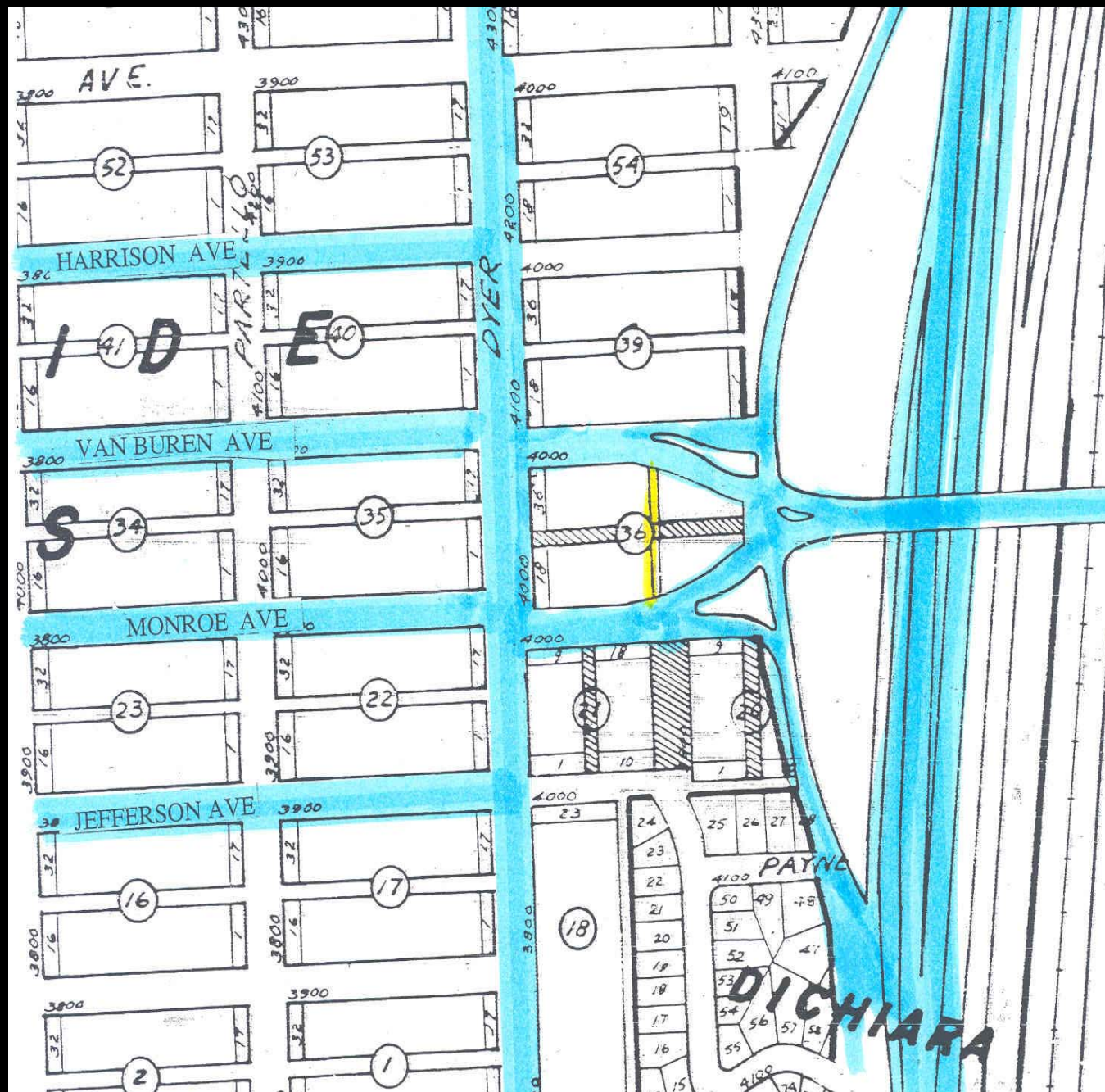




AV03003





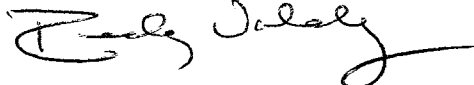




**CITY OF EL PASO, TEXAS  
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
Patricia D. Adauto, Deputy City Manager  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

**FROM:** Rudy Valdez, Chief Urban Planner 

**SUBJECT:** City Council Agenda Item ***Ordinance Introduction 11/2/04 and Public Hearing 11/16/04***  
***Alley Vacation***

**DATE:** October 26, 2004

Attached for your review and information is copy of an ordinance that proposes to vacate a portion of an Alley located within Block 36, Morningside Heights Addition (see attached location map). The item is scheduled for City Council action as noted above. Mr. Albert Malooly is requesting vacation of the alley in order to incorporate as part of development of adjacent properties that he owns. The alley would only be used for parking for the project. The Development Coordinating Committee and City Plan Commission both recommended **Approval** of the request. There has been no opposition to the request. If you have any questions, please contact me at 541-4635.

**Office Use Only**

Mayor's Office (3 copies):	date: _____	time: _____	by: _____
Representative District 1:	date: _____	time: _____	by: _____
Representative District 2:	date: _____	time: _____	by: _____
Representative District 3:	date: _____	time: _____	by: _____
Representative District 4:	date: _____	time: _____	by: _____
Representative District 5:	date: _____	time: _____	by: _____
Representative District 6:	date: _____	time: _____	by: _____
Representative District 7:	date: _____	time: _____	by: _____
Representative District 8:	date: _____	time: _____	by: _____

c: Lisa A. Elizondo, City Attorney; Terri Cullen-Garney, Assistant City Attorney; Matt Watson, Assistant City Attorney; George Sarmiento, Planning Director; Irene Ramirez, City Engineering

*CITY CLERK'S*

## STAFF REPORT

**File #:** AV03003

**Subdivision Name:** 20' Foot Alley between Van Buren Avenue and Monroe Avenue, Block 36, Morningside Heights

**Type Request:** Alley Vacation Request

**Property Owner:** The City of El Paso

**Applicant:** Albert Malooly

**Representative:** Albert Malooly

**Acres:** 0.1077 Acres (4691.59 sq. ft.)

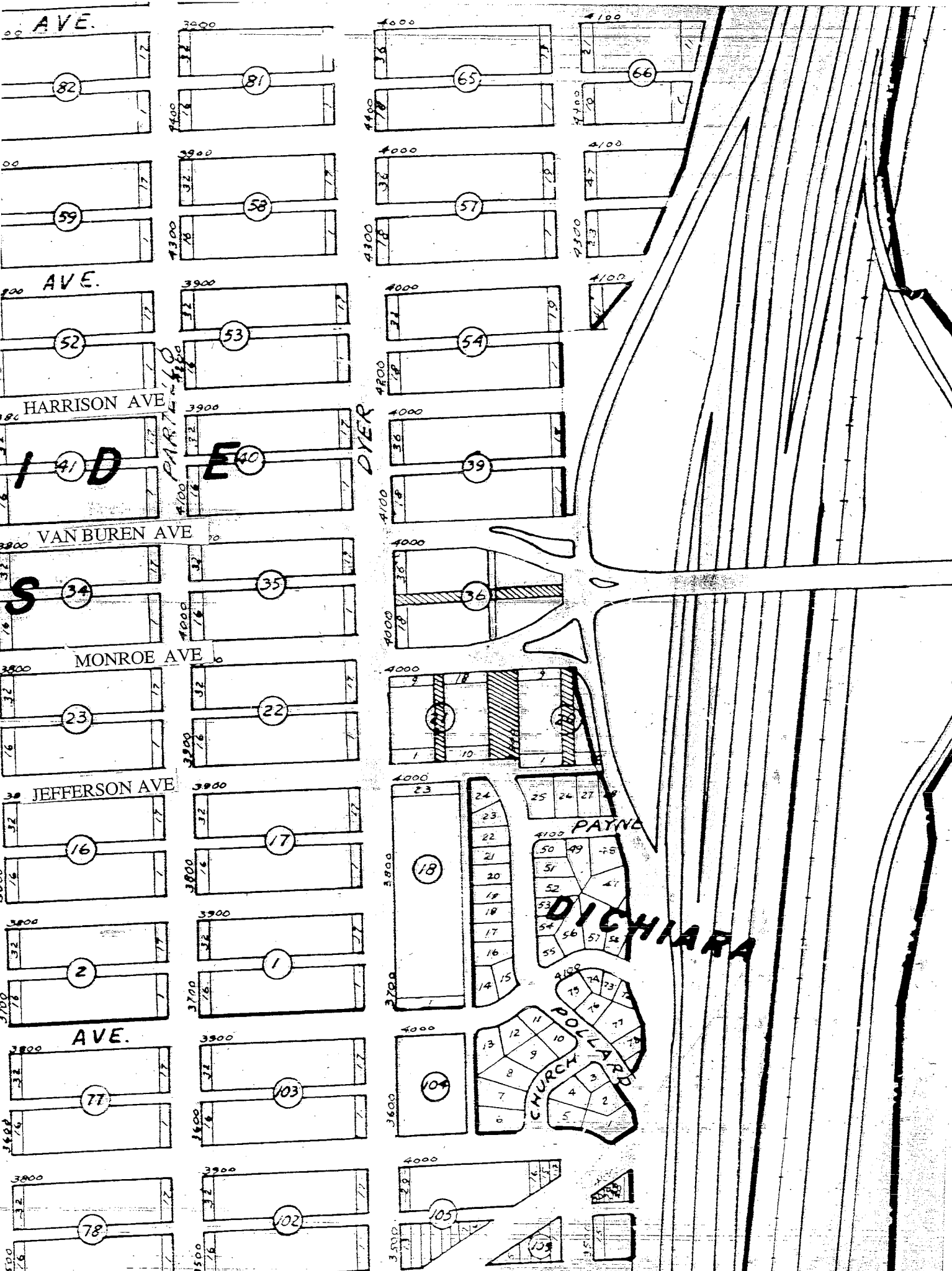
**Location:** East of Dyer Street between Van Buren & Monroe Drives.

**Representative District:** 2

**Planning Area:** Northeast

CITY PLAN COMMISSION HEARING, DECEMBER 18, 2003  
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL

**ITEM #17**



**Alley Vacation: #AV03003**

**Vacation of a 20' foot wide alley  
within Block 36, Morningside Heights  
Addition**

**GENERAL INFORMATION:**

The applicant, Albert Malooly is requesting the vacation of the alley referenced above in order to allow for the additional parking spaces to their current parking lot and loading docks to the retail center fronting on Dyer Street..

**STAFF RECOMMENDATION:**

The Development Coordinating Committee ***unanimously*** recommends approval of the vacation request subject to the following requirements:

1. Retaining the entire length and width of the alley as a utility easement.
2. No parking will be permitted over the retained easement.

None of the reviewing agencies had any objections to the requested vacation. This Division has reviewed subject request and recommend approval subject to the following comments:

**Engineering Department Comments and Requirements**

This Division has reviewed subject request and offers no objection.

**El Paso Electric Comments:**

El Paso Electric Company has existing overhead facility crossing the alley at the alleys midpoint. El Paso Electric Company must retain this 16' foot easement running across alley. Time Warner Cable and SBC have their cables attached to the El Paso Electric Company's pole.

**El Paso Water Utilities Comments:**

There is a sewer line running along the length of alley. PSB shall retain a 20' foot utility easement along alley. No parking will be allowed on this easement.

**Engineering/ Traffic Division Comments:**

No comments at this time.



**Texas Gas Service**

Request that a utility easement be retained for their gas line running along alley.  
No objections to the proposed project.

**Time Warner Cable**

Cable line attached to El Paso Electric Companies pole.

**NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.**

BLOCK 39

BLOCK 39

VAN BUREN AVENUE

VAN BUREN AVENUE

DYER STREET

POLLARD STREET

MONROE AVENUE

TO THE UEN

MONROE AVENUE

BLOCK 21

NORTH SOUTH FREEWAY  
U.S. INTERSTATE 54

EXHIBIT "A1"



CERTIFICATE  
TO THE UENHOLDERS AND/OR THE C  
SURVEYED, AND TO LAWYERS T

This is to certify that the survey was made by me or under my direct supervision and that I am a duly licensed surveyor in the State of Texas. I hereby certify that the survey was made in accordance with the laws and rules of the State of Texas and that the same is correct and true to the best of my knowledge and belief.

William C. Calderon  
Surveyor  
Residential Professional

## 20.0' ALLEY VACATION

Legal description of a parcel of land being a 20' alley between Van Buren Avenue & Monroe Avenue. Said alley being in Block 36, Morningside Heights Addition, City of El Paso, Texas, and being more particularly described by metes and bounds as follows:

From an existing chiseled cross marking the east right-of-way line of Dyer Street and the south right-of-way line of Van Buren Avenue; thence, South  $86^{\circ}38'00''$  East, along south right-of-way line of Van Buren Avenue, a distance of 195.66 feet to a point; thence, continuing along said right-of-way line, a distance of 52.62 feet along the arc of a curve to the right, having a radius of 418.98 feet and a chord bearing South  $74^{\circ}10'30''$  East, a distance of 52.58 feet to a point being an iron pin, said point being the true point of beginning for this parcel of land.

Thence, continuing along said right-of-way line, a distance of 20.97 feet, along the arc of a curve to the right, having a radius of 418.98 feet and a chord bearing South  $69^{\circ}08'42''$  East, a distance of 20.97 feet to a point being an iron pin;

Thence, South  $03^{\circ}21'15''$  West, along the east right-of-way line of the 20.0 foot alley, a distance of 228.80 feet to a point being an iron pin on the north right-of-way-line of Monroe Avenue;

Thence, along said right-of-way line, a distance of 20.58 feet, along the arc of a curve to the right, having a radius of 386.35 feet and a chord bearing South  $79^{\circ}40'39''$  West, a distance of 20.58 feet to a point being a concrete nail;

Thence, North  $03^{\circ}21'15''$  East, along the west right-of-way line of the 20.0 foot alley, a distance of 240.77 feet to the point of beginning.

Said parcel contains 4691.59 square feet or 0.1077 acres more or less.



12/13/03

EXHIBIT "A2"

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A 20-FOOT WIDE ALLEY WITHIN BLOCK 36, MORNINGSIDE HEIGHTS ADDITION CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the City Plan Commission has recommended vacation of *a 20-foot wide alley within Block 36, Morningside Heights Addition, City of El Paso, El Paso County, Texas*, and the City Council finds that said right-of-way is not needed for public use and should be vacated as recommended;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That a determination has been made that it is in the best interest of the public that the *20-foot wide alley within Block 36, Morningside Heights Addition, City of El Paso, El Paso County, Texas*, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" made a part hereof by reference, be and is hereby vacated subject to the following condition:

1. Retaining the entire length and width of the alley as a utility easement to include drainage structures.
2. No parking shall be permitted over the easement retained.

In addition, the Mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Albert Malooly.

**PASSED AND APPROVED** this \_\_\_\_\_ day of November, 2004.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy  
Mayor

**ORDINANCE NO. \_\_\_\_\_**

**AV03003**

MW:


DOC: 5430/Planning/5/ORD – Alley Vacation Malooly Morningside Hts MW

**ATTEST:**

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Richarda Momsen  
City Clerk

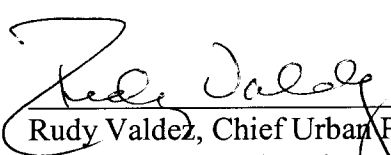
**APPROVED AS TO FORM:**



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Matt Watson  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



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Rudy Valdez, Chief Urban Planner  
Planning, Research and Development

**ORDINANCE NO.** \_\_\_\_\_

**MW:**

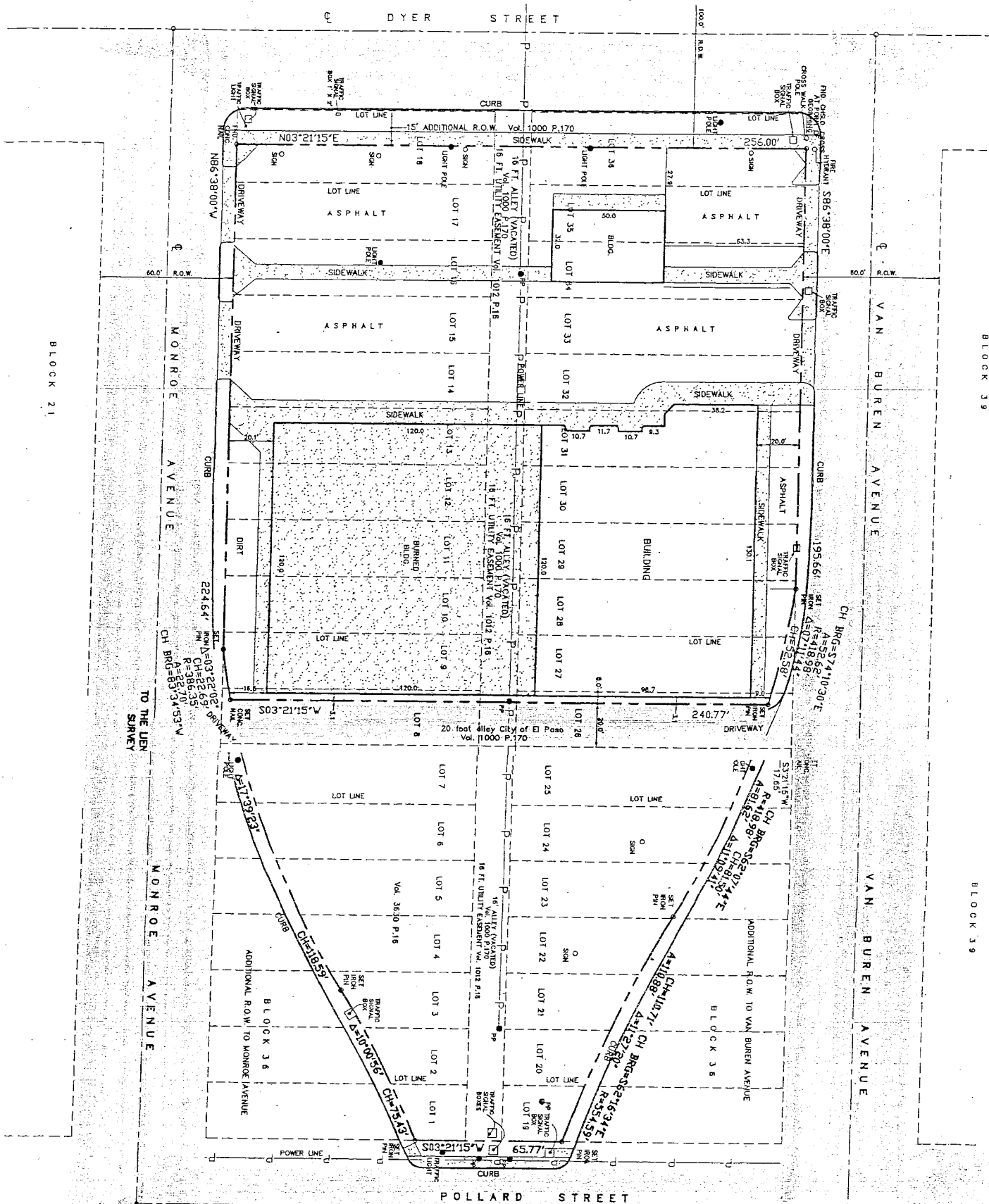
DOC: 5430/Planning/5/ORD – Alley Vacation Malooly Morningside Hts MW

**AV03003**



BLOCK 39

BLOCK 39



NORTH SOUTH FREEWAY  
U.S. INTERSTATE 54

EXHIBIT 'A1'

CERTIFICATE  
TO THE UNDERSIGNED AND/OR THE C  
SURVEYED, AND TO LAWYERS T

The undersigned does hereby certify that  
on the ground shown in the plat of Block 39  
field notes prepared by the undersigned  
no visible discrepancies, conflicts, or  
contingencies, encroachments, overlapping of  
or right-of-way, except as shown on the  
herein, and that the survey and accurate re  
described hereinto have been made and  
he has calculated the quantity of land and  
traces shown on this plat of survey and  
attached field notes and certifies that the  
herein is correct.



Manuel Calderon  
Registered Professional Land Surveyor

## 20.0' ALLEY VACATION

Legal description of a parcel of land being a 20' alley between Van Buren Avenue & Monroe Avenue. Said alley being in Block 36, Morningside Heights Addition, City of El Paso, Texas, and being more particularly described by metes and bounds as follows:

From an existing chiseled cross marking the east right-of-way line of Dyer Street and the south right-of-way line of Van Buren Avenue; thence, South  $86^{\circ}38'00''$  East, along south right-of-way line of Van Buren Avenue, a distance of 195.66 feet to a point; thence, continuing along said right-of-way line, a distance of 52.62 feet along the arc of a curve to the right, having a radius of 418.98 feet and a chord bearing South  $74^{\circ}10'30''$  East, a distance of 52.58 feet to a point being an iron pin, said point being the true point of beginning for this parcel of land.

Thence, continuing along said right-of-way line, a distance of 20.97 feet, along the arc of a curve to the right, having a radius of 418.98 feet and a chord bearing South  $69^{\circ}08'42''$  East, a distance of 20.97 feet to a point being an iron pin;

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Thence, along said right-of-way line, a distance of 20.58 feet, along the arc of a curve to the right, having a radius of 386.35 feet and a chord bearing South  $79^{\circ}40'39''$  West, a distance of 20.58 feet to a point being a concrete nail;

Thence, North  $03^{\circ}21'15''$  East, along the west right-of-way line of the 20.0 foot alley, a distance of 240.77 feet to the point of beginning.

Said parcel contains 4691.59 square feet or 0.1077 acres more or less.



EXHIBIT "A2"

THE STATE OF TEXAS }  
COUNTY OF EL PASO }

**QUITCLAIM DEED**

That the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto Albert Malooly, all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. \_\_\_\_\_, passed and approved by the City Council of the City of El Paso and described as **A TWENTY-FOOT WIDE ALLEY WITHIN BLOCK 36, MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference subject to the following conditions:

1. Retaining the entire length and width of the alley as a utility easement to include drainage structures.
2. No parking shall be permitted over the easement retained.

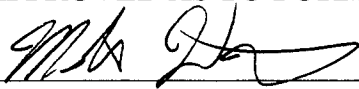
WITNESS the following signatures and seal this \_\_\_\_\_ day of November, 2004.

\_\_\_\_\_  
Joe Wardy  
Mayor


**ATTEST:**

\_\_\_\_\_  
Richarda Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Matt Watson  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Rudy Valdez, Chief Urban Planner  
Planning, Research and Development

**ORDINANCE NO.** \_\_\_\_\_

**AV03003**

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**  
**)**  
**COUNTY OF EL PASO     )**

          This instrument is acknowledged before me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, by Joe Wardy, as Mayor of the CITY OF EL PASO.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

My Commission Expires:

\_\_\_\_\_

**AFTER FILING RETURN TO:**

Albert Malooly  
5400 Tierra Vista  
El Paso, TX 79932

**ORDINANCE NO.** \_\_\_\_\_

**AV03003**

**MW:**

DOC: 5430/Planning/5/ORD – Alley Vacation Malooly Morningside Hts MW





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